

)	Case No. 3:18-cv-03748-JCS
Tatyana E. Drevaeva)	
)	
<i>Plaintiff,</i>)	Declaration to the Second Motion to
)	
vs.)	Strike Defendants' June 04, 2021 Answer
)	
1) The U.S. Department of Veterans)	to My Original June 25, 2018 Complaint
Affairs)	
)	in Its Entirety or Partially,
2) Mr. Denis Richard McDonough in his)	F.R.C.P. Rule 12(f.)
capacity as a Secretary of the U.S.)	
Department of Veterans Affairs)	
)	
810 Vermont Avenue, NW,)	Date: July 30, 2021
Washington, D.C. 20420)	
)	
<i>Defendant</i>)	Time: 09:30 AM
)	
Facility:)	Location: Courtroom F – 15th Floor
)	
New Mexico VA Healthcare System)	450 Golden Gate Avenue,
1501 San Pedro Drive, S.E.)	
Albuquerque, NM, 87108)	San Francisco, CA 94102
)	
)	Judge: The Hon. Chief Magistrate
)	
)	Judge Joseph C. Spero

I, Plaintiff Tatyana E. Drevalova, hereby declare:

- 1) I am a Plaintiff Pro Se and a Party in this action
- 2) I have personal knowledge of the facts stated herein, which are known by me to be true and correct, and I will testify competently thereto
- 3) I am respectfully asking to strike Zack's June 04, 2021 Answer in its entirety because it is unsworn, and it violates 28 U.S.C. § 1746. This Answer is hearsay that is not supposed to be reviewed
- 4) I am respectfully asking to strike Zack's June 04, 2021 Answer in its entirety because it violates the F.R.C.P. Rule 11(b)
- 5) As an alternative, I am respectfully asking to partially strike Zack's June 04, 2021 Answer for the reasons that I specified in my Second Motion to Strike
- 6) I am asking the Court to strike multiple libelous Zack's assertions that Defendants were not aware about my age
- 7) I am asking the Court to strike a libelous Zack's assertion that I worked for an eight hour shift. In fact, I worked for 12 hour shifts, and I was never compensated for working in excess of 8 hours per day
- 8) I am respectfully asking to strike Zack's statements that:
 - a) **That I was not entitled for an FMLA** leave because **I didn't work at the VA for 12 months** because it is immaterial, see the AFGE Master Agreement, Article 35, Section 16 - Family and Medical Leave Act (FMLA), Subdivision (B)(2.) Pursuant to the FMLA and the AFGE Master Agreement, I was entitled to 12 weeks of an unpaid leave per year **for a serious health condition** regardless **whether or not I worked at the VAMC for 12 months.**
 - b) That I didn't submit my medical certification **at all** prior on May 17, 2017 together with my OPM 71 form because it is immaterial, see 5 CFR § 630.1208(a) and the 42 U.S.C. § **12112(d)(4)(A)'s medical inquiry prohibition.** *Taylor v. City of Shreveport*, 798 F.3d 276,283 (5th Cir. 2015).

c) That I didn't submit my medical certification **on English language** prior to my May 18, 2017 trip to Russia because it is immaterial, see 5 CFR § 630.1208(d)

d) That **on May 19, 2017 Dr. Prince disapproved my Request for a LWOP** because it is immaterial, see 5 CFR § 630.1208(g) (a mandatory obligation to give me a provisional leave pending the final medical certification.)

9) I am also asking to strike multiple other libelous Zack's assertions that I specified in my Second Motion to Strike.

I declare under the penalty of perjury and under the Federal laws that all foregoing is true and correct. Executed at San Francisco, CA on June 19, 2021.

Respectfully submitted,

s/ Tatyana Drevalova



Plaintiff Pro Se

June 19, 2021.